



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 15, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

32 March 15, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**APPROVE AMENDMENT TO
COOPERATIVE AGREEMENT WITH STATE OF CALIFORNIA
FOR THE STATE ROUTE 126/COMMERCE CENTER DRIVE
INTERCHANGE PROJECT
IN THE UNINCORPORATED COMMUNITY OF CASTAIC
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to approve Amendment No. 2 to Cooperative Agreement No. 75955 between the County of Los Angeles and the State of California covering the design and right-of-way activities phase of the State Route 126/Commerce Center Drive Interchange Improvements project in the unincorporated community of Castaic. Amendment No. 2 extends the termination date of the cooperative agreement to December 31, 2012.

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Mayor of the Board to sign Amendment No. 2 to Cooperative Agreement No. 75955 between the County of Los Angeles and the State of California, acting by and through the State of California Department of Transportation, covering the design and right-of-way activities phase of the State Route 126/Commerce Center Drive Interchange project, to extend the termination date of the cooperative agreement to December 31, 2012.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to execute the enclosed Amendment No. 2 to Cooperative Agreement No. 75955 (Agreement) between the County of Los Angeles (County) and the State of California (State), acting by and through the State of California Department of Transportation (Caltrans), covering the design and right-of-way activities phase of the State Route 126/Commerce Center Drive Interchange project. Amendment No. 2 extends the termination date of the Agreement to December 31, 2012, to allow for the completion of the design and right-of-way activities for the project and amends the hazardous material language to conform to current Caltrans standards.

The completion of right-of-way activities has been unexpectedly delayed because of prolonged property negotiations. Right-of-way certification is expected to occur in early 2012, and the project is anticipated to be advertised in May 2012. The extension of the Agreement allows the right-of-way activities to continue.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). By completing the proposed improvements, traffic flow will be enhanced for County residents who travel on these roads, thereby improving the quality of life of County residents.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

Execution of Amendment No. 2 will have no fiscal impact on the County. A separate cooperative agreement will be executed between the State and the County prior to the construction of the project. The total construction cost of the project is currently estimated to be \$50,000,000, of which \$9,234,000 will be financed with a grant obtained under the 2001 Los Angeles County Metropolitan Transportation Authority (LACMTA) Call For Projects. The remaining construction cost, amounting to \$40,766,000, will be financed by Bridge and Thoroughfare District funds.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Currently, the junction of State Route 126/Commerce Center Drive is a signalized intersection. The County and Caltrans propose to construct State highway improvements consisting of a grade-separated interchange at the State Route 126/Commerce Center Drive intersection, widening of State Route 126, new freeway ramps, new traffic signals at the intersection of Henry Mayo Drive and Commerce Center Drive and at the eastbound ramps intersection, and realignment of Henry Mayo Drive.

The design of this project is nearly complete and right-of-way acquisition is ongoing. The project has been delayed as a result of prolonged negotiations for the acquisition of right of way. A separate cooperative agreement will be executed between the State and County prior to construction to delineate the responsibilities of the State and the County during the construction and close out of the project. The project is tentatively scheduled to be advertised for construction bids in November 2011 and awarded in February 2012. Construction is anticipated to take approximately two years to complete. Maintenance of the project will be the subject of separate agreements between the State

and the County and between the County and developers in the vicinity of the project. Those agreements will be presented to the Board in separate actions.

On December 5, 2006, Agenda Item No. 47, your Board approved the Agreement between the County and Caltrans that provides for the County to administer the design and right-of-way activities for the project with a termination date of September 30, 2008. Subsequently, on August 5, 2008, your Board adopted Amendment No. 1 to the Agreement to extend the expiration date to December 31, 2010.

Amendment No. 2 has been reviewed and approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

On December 5, 2006, Agenda Item No. 47, your Board approved the environmental document for the project. The Negative Declaration found that the project will not have a significant effect on the environment in accordance with the provisions of the California Environmental Quality Act. On November 16, 2010, Agenda Item No. 14, an addendum to the Negative Declaration to address changes in the scope of the work was approved by your Board.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

State Route 126 is part of the State Freeway and Expressway System. It is a major access route between Interstate 5 and Ventura County. Commerce Center Drive is a major highway on the County Highway Plan and the proposed improvements are needed to improve safety, reduce traffic congestion, and improve the level of service for interregional traffic.

CONCLUSION

Please return one adopted copy of this letter and the four signed originals of Amendment No. 2 to the Department of Public Works, Programs Development Division. After Amendment No. 2 has been executed by Caltrans, a fully executed original will be returned to the Executive Office of the Board.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER
Director

GF:JTW:pr

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

07-LA-126 KP R6.8/R8.3 (PM R4.2/R5.2)
SR126/Commerce Center Drive intersection,
And Henry Mayo Drive
EA No. 07 – 187220

District Agreement No. 07-4658A-2

AMENDMENT No. 2 TO COOPERATIVE AGREEMENT

THIS AMENDMENT No. 2 TO AGREEMENT, ENTERED INTO EFFECTIVE ON December 31, 2010, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and

COUNTY OF LOS ANGELES, a political
subdivision of the State of California,
referred to herein as "COUNTY"

RECITALS

1. The parties hereto entered into a Cooperative Agreement 07-4658 on December 5, 2006, said Agreement defining the terms and conditions for highway improvements consisting of a grade-separated interchange at the State Route 126/Commerce Center Drive intersection, widening of State Route 126 and realignment of Henry Mayo Drive, referred to herein as "PROJECT".
2. The parties hereto also entered into an Amendment No. 1 to Agreement (07-4658A-1) on August 5, 2008, to modify the indemnity clauses and to extend the termination date of the said Agreement.
3. It has been determined that the Right-of-Way activities for PROJECT will not be completed prior to the termination date of said Agreement.

IT IS THEREFORE MUTUALLY AGREED:

1. The termination date specified under "MUTUALLY AGREED", Article 2, of the Amendment No 1 to the original Agreement shall now be December 31, 2012 instead of December 31, 2010.
2. Articles 9 through 13 of Section III of the original Agreement 07-4658 (Document No. 75955) are replaced in their entirety with the following:

9. The party that discovers HM will immediately notify the other party to this Agreement.

HM-1 is defined as hazardous material (including but not limited to hazardous waste) that requires removal and disposal pursuant to federal or state law, whether it is disturbed by PROJECT or not.

HM-2 is defined as hazardous material (including but not limited to hazardous waste) that may require removal and disposal pursuant to federal or state law, only if disturbed by PROJECT.

10. STATE, independent of PROJECT, is responsible for any HM-1 found within existing SHS right of way. STATE will undertake HM-1 management activities with minimum impact to PROJECT schedule and will pay all costs for HM-1 management activities.

STATE has no responsibility for management activities or costs associated with HM-1 found outside the existing SHS right of way. COUNTY, independent of PROJECT, is responsible for any HM-1 found within PROJECT limits outside existing SHS right of way. COUNTY will undertake, or cause to be undertaken, HM-1 management activities with minimum impact to PROJECT schedule, and COUNTY will pay, or cause to be paid, all costs associated with HM-1 management activities.

11. If HM-2 is found within the limits of PROJECT, the public agency responsible for advertisement, award, and administration (AAA) of the PROJECT construction contract will be responsible for HM-2 management activities.

Any management activity cost related to HM-2 is a PROJECT construction cost.

District Agreement No. 07-4658A-2

12. Management activities related to either HM-1 or HM-2 include, without limitation, any necessary manifest requirements and designation of disposal facility.
 13. STATE's acquisition or acceptance of title to any property on which any hazardous material is found will proceed in accordance with STATE's policy on such acquisition.
3. All other terms and conditions of Agreement 07-4658 shall remain in full force and effect.
4. This Amendment No. 07-4658A-2 to Agreement is hereby deemed to be a part of said Agreement.

STATE OF CALIFORNIA
Department of Transportation

COUNTY OF LOS ANGELES

CINDY McKIM
Director

By: _____
MICHAEL D. ANTONOVICH
Mayor, Los Angeles County

By: _____
MICHAEL MILES
District Director

ATTEST:
SACHI A. HAMAI
Executive Officer of the
Board of Supervisors
County of Los Angeles

Certified as to Funds:

By: _____
Deputy

By: _____
SUSAN HARRIS
District Budget Manager

Approved as to Form and Procedure:
ANDREA SHERIDAN ORDIN
County Counsel

By: Carole Suzuki
Deputy